



INTERNATIONAL TRADE COMMISSION

Investigation No. 337-TA-850

Certain Electronic Imaging Devices

Institution of Investigation

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 23, 2012, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of FlashPoint Technology, Inc. of Peterborough, New Hampshire. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic imaging devices by reason of infringement of certain claims of U.S. Patent No. 6,400,471 (“the ’471 patent”); U.S. Patent No. 6,222,538 (“the ’538 patent”); U.S. Patent No. 6,504,575 (“the ’575 patent”); and U.S. Patent No. 6,223,190 (“the ’190 patent”). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that

information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205-1802.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2012).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 22, 2012, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain electronic imaging devices that infringe one or more of claims 1-5, 7, 8, 10, 22, 24, 26, 28, 31, 34-43, 60, and 62-69 of the '471 patent; claims 1, 17, 19, and 21-23 of the '538 patent; claims 1, 8, 17, 18, 20-22, 26, and 28 of the '575 patent, and claims 13, 14, 16, 20-29, 31-33, 36-39, 42, 43, 46-49, and 52-56 of the '190 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

FlashPoint Technology, Inc.

20 Depot Street, Suite 2A

Peterborough, NH 03458

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

HTC Corporation

23 Xinghua Road

Taoyuan, 330, Taiwan

HTC America, Inc.

13920 SE Eastgate Way, Suite 400

Bellevue, WA 98005

Pantech Co., Ltd.

Pantech Building I-2, DMC

Sangam-dong, Mapo-gu,

Seoul 121-792

Republic of Korea

Pantech Wireless, Inc.

5607 Glenridge Dr. Ne Ste 500

Atlanta, GA 30342-7200

Huawei Technologies Co., Ltd.

Bantian, Longgang District

Shenzhen, Guangdong Province 51 g 1-29

China

FutureWei Technologies, Inc. d/b/a Huawei Technologies (USA)

5700 Tennyson Parkway, Suite 500

Plano, TX 75021-4234

ZTE Corporation

ZTE Plaza, No. 55 Hi-Tech Road South

Shenzhen, Guangdong Province 518057

China

ZTE (USA) Inc.

2425 N. Central Expy., Ste. 600

Richardson, TX 75080

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)-(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Lisa R. Barton

Acting Secretary to the Commission

Issued: June 25, 2012

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